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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,550	05/09/2005	Lee Simon	SIM-1	7162

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 HESS PATENT LAW FIRM, P.C.
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 STAMFORD, CT 06902

EXAMINER

TRAN, HANH VAN

ART UNIT	PAPER NUMBER
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3637

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/534,550

Applicant(s)

SIMON, LEE

Examiner

Hanh V. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 12, 21 and 24-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 12, 21 and 24-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/15/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the Final Office Action from the examiner in charge of this application in response to applicant's amendment dated 12/27/2006.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4, 12, 21, 24, 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 4, "and/or" renders the claim indefinite for failing to clearly define the metes and bounds of the claimed invention. Claim 12, "a group consisting of" is improper Markush, thus indefinite; it should be "the group consisting of". Claim 21, the term "a disconnect" is vague and indefinite for failing to clearly provide any structural limitations of the device to clearly define the metes and bounds of the claimed invention, it is not clear a this "disconnect" is. Claim 24, "a group consisting of" is improper Markush, thus indefinite; it should be "the group consisting of". Claim 26, "a any of a structural base..." is improper in context, thus indefinite for failing to clearly define the metes and bounds of the claimed invention.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-5, 12, 21, and 24-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,572,984 to Alden et al in view of USP 3,858,091 to Wilkinson and Vent Master Modular Distribution System (MDS).

Alden et al discloses a modular reconfigurable appliance receptacle comprising all the elements recited in the above listed claims including a plurality of interchangeable appliance units, such as shown in Fig 3, a frame divided into a plurality of areas to removably held an appliance unit in each area, at least one connector for connecting the appliance units to utilities as needed (col. 3, lines 44-49); wherein at least one of the appliance units is operatively and removably attached within the frame, and can be replace with another appliance unit; wherein the appliance units includes generally oven-shaped appliance units 24,28, and generally stove-top shaped appliance units 36. In regard to claim 3, figure 3 shows the frame can be connected to another frame adjacent thereto.

Alden et al discloses all the elements as discussed above except for clearly disclose a utility chassis configured and arranged within the frame, the utility chassis including a plurality of clusters each with different types of connectors suited to provide

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access to utilities, the different types of connectors being in relative positions within associated ones of the clusters in a manner that is identical for each of the clusters, at least one of the connectors of one of the clusters being arranged to enable connection of the at least one of the appliance units with at least one of the utilities, and decorative covers removably attached to the frame and appliance units.

Wilkinson discloses a modular reconfigurable appliance receptacle comprising an appliance unit, a frame for holding an appliance unit, at least one connector 82 for connecting the appliance unit to utilities as needed in order to increase the versatility of the receptacle. MDS teaches the idea of providing a utility chassis including a plurality of clusters each with different types of connectors suited to provide access to utilities, the different types of connectors being in relative positions within associated ones of the clusters in a manner that is identical for each of the clusters, at least one of the connectors of one of the clusters being arranged to enable connection of the at least one of the appliance units with at least one of the utilities, wherein the MDS can include any combination of gas, hot water, cold water, chilled water, compressed air, electrical power, fire and safety control, steam supply and condensate return line, etc. The MDS provides a practical versatile and efficient way of distributing utilities, easily removed and modified to suit different arrangements of cooking equipment. Therefore, it would have been obvious to modify the structure of Alden et al by providing the modular reconfigurable appliance receptacle with a utility chassis including a plurality of clusters each with different types of connectors suited to provide access to utilities, the different types of connectors being in relative positions within associated ones of the clusters in a

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manner that is identical for each of the clusters, at least one of the connectors of one of the clusters being arranged to enable connection of the at least one of the appliance units with at least one of the utilities, wherein the chassis include any combination of gas, hot water, cold water, chilled water, compressed air, electrical power, fire and safety control, steam supply and condensate return line, etc. in order to provide a practical versatile and efficient way of distributing utilities, easily removed and modified to suit different arrangements of cooking equipment, thereby increasing the versatility of the receptacle, as taught by Wilkinson and MDS, since the references teach alternate conventional reconfigurable appliance receptacle structure, used for the same intended purpose, thereby providing structure as claimed.

In regard to the decorative covers, the examiner takes the Official Notice that it is well known in the art to provide a cabinet frame with a decorative cover removably attached thereto for aesthetic purpose.

Response to Arguments

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571) 272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVT *HVT*
April 1, 2007

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Lanna Mai